

# EXHIBIT 1

4/15/2008

MARK EDWARD THOMAS

<p style="text-align: right;">13</p> <p>1 dealerships.</p> <p>2 Q. Which in particular?</p> <p>3 A. The Chevy store, there in Midlothian,</p> <p>4 their motor sports, which consisted of Yamaha,</p> <p>5 Suzuki, Kawasaki and then used car locations, they</p> <p>6 had like four used car locations, as the capacity of</p> <p>7 controller, corporate controller.</p> <p>8 Q. Were you given an agency where you were</p> <p>9 or were you controller for the whole organization?</p> <p>10 A. Yeah, looked over all his stores. It was</p> <p>11 a newly created position, corporate controller, for</p> <p>12 whatever, two and a half years, two years.</p> <p>13 Q. Okay.</p> <p>14 A. Then I think I went to Colorado for 11</p> <p>15 months actually total, Mercedes-Benz of Littleton,</p> <p>16 part of the Brayman organization out of Miami.</p> <p>17 Q. And your position there?</p> <p>18 A. Comptroller.</p> <p>19 Q. And that would be roughly 2004, 2005?</p> <p>20 A. Yeah, the end of 2004, November 2004.</p> <p>21 You're following along there. It's a lot of jumping</p> <p>22 around. You kept on pace.</p> <p>23 Q. And when did you finish up in Colorado?</p> <p>24 A. Well, I came back in November, the end of</p>	<p style="text-align: right;">15</p> <p>1 A. He used to be in a car dealership and I</p> <p>2 went to do an evaluation on the dealership down in</p> <p>3 Louisiana when he was there, about two years ago or</p> <p>4 a year and a half ago. And then some of the other</p> <p>5 dealers in Louisiana I worked for intermittently at</p> <p>6 different times and let's see where else. Wisconsin</p> <p>7 I went to once, several in Illinois, couple in --</p> <p>8 two in Hawaii, and then a few sporadic little things</p> <p>9 out in the East Coast, Pennsylvania, New Jersey,</p> <p>10 Florida.</p> <p>11 Q. And how do you get these jobs?</p> <p>12 A. Just referrals, word of mouth, going to</p> <p>13 the National Auto Dealers Convention the last couple</p> <p>14 of years.</p> <p>15 Q. And what kind of work do you perform when</p> <p>16 you're working with these dealerships?</p> <p>17 A. Whatever they need. I mean, primarily</p> <p>18 it's accounting related, bookkeeping related,</p> <p>19 operations, operational, evaluations of performance,</p> <p>20 productivity, training of the office staff.</p> <p>21 And there was, let's see, about a year</p> <p>22 ago, I took an internal position at a CPA firm --</p> <p>23 well, it was -- I mean, it ended up being internal</p> <p>24 but they sold the firm. It was Devalk &amp; Associates.</p>
<p style="text-align: right;">14</p> <p>1 November.</p> <p>2 Q. 2004?</p> <p>3 A. Yeah.</p> <p>4 Q. Okay.</p> <p>5 A. And started out there in January.</p> <p>6 Q. Okay. And since November of 2004?</p> <p>7 A. Primarily just been working for myself as</p> <p>8 an independent contractor for various dealerships</p> <p>9 and businesses throughout the United States.</p> <p>10 Q. I invite you to give me a little more</p> <p>11 specificity about that.</p> <p>12 A. I don't remember which one is first. I</p> <p>13 mean, I'll go for short-term. Sometimes it's a</p> <p>14 couple of days, be it out to three and a half weeks</p> <p>15 in a Hawaii dealership, dealership out in Honolulu.</p> <p>16 Q. Mostly it's auto dealerships?</p> <p>17 A. All auto dealerships with the exception</p> <p>18 of currently the last six months, a business down in</p> <p>19 Louisiana.</p> <p>20 Q. Okay. What's that business?</p> <p>21 A. Well, the guy owns six convenience store</p> <p>22 gas stations. I just do the bookkeeping and</p> <p>23 accounting work for it.</p> <p>24 Q. How did you hook up with him?</p>	<p style="text-align: right;">16</p> <p>1 Q. D --</p> <p>2 A. D-e-v-a-l-k, probably about six months</p> <p>3 before they sold the firm.</p> <p>4 Q. Where was it located?</p> <p>5 A. Downtown Chicago.</p> <p>6 Q. Where?</p> <p>7 A. I don't know. Over by union station. I</p> <p>8 can't remember whether it was a Canal address or</p> <p>9 Monroe or Randolph. Oh, it was a Riverside Plaza</p> <p>10 address, now that I think of it. And that was</p> <p>11 primarily tax work, accounting work for a few</p> <p>12 dealership clients that they had, also.</p> <p>13 Q. Did you take any accounting classes at</p> <p>14 Gordon Tech?</p> <p>15 A. Yeah, one in Gordon and a couple in</p> <p>16 college, mostly hands-on experience from the bank is</p> <p>17 where it all started.</p> <p>18 Q. What kind of work did you do at the bank?</p> <p>19 A. I started at 16 on the teller line for</p> <p>20 about six months. And the bank president took me</p> <p>21 under his wings and moved me through all the facets</p> <p>22 of bookkeeping. By the time I was 18, I was doing</p> <p>23 the board reports and financial reporting</p> <p>24 investments. And that kind of consisted of the same</p>

<p style="text-align: right;">17</p> <p>1 period, he went out to Golf Mills State Bank and</p> <p>2 then I went out there with him, kind of doing the</p> <p>3 same type of duties at that time, doing all the FDIC</p> <p>4 regulatory reporting and the board reports.</p> <p>5 Q. He had been president of that</p> <p>6 All-American and became president at Golf?</p> <p>7 A. Right, then he went out to Golf Mills</p> <p>8 State Bank.</p> <p>9 Q. What was his name?</p> <p>10 A. Raymond Wojnar.</p> <p>11 Q. How do you spell that?</p> <p>12 A. W-o-j-n-a-r.</p> <p>13 Q. You were a comptroller at various auto</p> <p>14 dealerships. What does the comptroller at an auto</p> <p>15 dealership do?</p> <p>16 A. Depending on the size and the operation</p> <p>17 and if it's a holding company, it does vary -- it</p> <p>18 can consist of just running the full financial</p> <p>19 reporting for the single dealership. But in a few</p> <p>20 of those where they were multiple dealerships, I had</p> <p>21 people do that and I just reviewed the reports and</p> <p>22 kind of made sure they did their jobs. But I would</p> <p>23 do all the financial reporting, regulatory issues</p> <p>24 affecting the dealership, keeping up to date and</p>	<p style="text-align: right;">19</p> <p>1 this deposition, if anything?</p> <p>2 A. Nothing specific.</p> <p>3 Q. Did you meet with Mr. Keogh to prepare</p> <p>4 for this deposition?</p> <p>5 A. Just briefly before coming over here.</p> <p>6 Q. How long?</p> <p>7 A. Ten minutes, if that.</p> <p>8 Q. Have you done anything else for</p> <p>9 preparation?</p> <p>10 A. No. I mean, reviewed the documents that</p> <p>11 were forwarded to me at different times.</p> <p>12 Q. What documents did you review in</p> <p>13 preparation for the deposition?</p> <p>14 A. Copies of the filing.</p> <p>15 Q. Mr. Thomas, do you subscribe to any</p> <p>16 newspapers?</p> <p>17 A. No, not really.</p> <p>18 Q. Magazines?</p> <p>19 A. Nothing recently.</p> <p>20 Q. Last two years?</p> <p>21 A. No.</p> <p>22 Q. What are your principal sources of</p> <p>23 information for news?</p> <p>24 A. Well, nowadays with the Internet when you</p>
<p style="text-align: right;">18</p> <p>1 informed on those items, cash management. In the</p> <p>2 small one, it might have included payroll or doing</p> <p>3 the full spectrum of all the payroll reports.</p> <p>4 Q. Interaction with retail customers?</p> <p>5 A. Very little but yeah, I mean definitely</p> <p>6 if you've got a complaint, you, you know, interject</p> <p>7 and try to handle them, but primarily not.</p> <p>8 Q. People --</p> <p>9 A. Not at the forefront. I was more at the</p> <p>10 back end if issues would occur, if people had</p> <p>11 titling problems that weren't getting addressed by</p> <p>12 the billers let's say doing the title work for them,</p> <p>13 purchasing their vehicles, then I might get the call</p> <p>14 and try to interject and get the matters handled or</p> <p>15 resolved.</p> <p>16 Q. Or approval of credit for --</p> <p>17 A. No, I really didn't -- I mean, that</p> <p>18 wasn't my main -- that's what a finance manager</p> <p>19 would do.</p> <p>20 Q. Would the finance manager report to you?</p> <p>21 A. No, he would report to the general</p> <p>22 manager or owner.</p> <p>23 Q. Mr. Thomas, this morning we're taking</p> <p>24 your deposition. What did you do to prepare for</p>	<p style="text-align: right;">20</p> <p>1 log on, you have the news sector of the websites and</p> <p>2 that.</p> <p>3 Q. msn.com?</p> <p>4 A. Yeah, or whatever comes up on AOL when I</p> <p>5 log on, primarily otherwise the news obviously on</p> <p>6 TV, CNN, that kind of stuff.</p> <p>7 Q. Did you happen to bring any documents</p> <p>8 with you today other than the receipt that your</p> <p>9 counsel provided me?</p> <p>10 A. Just the receipt, yeah.</p> <p>11 MR. KEOGH: Just make sure you don't talk</p> <p>12 over each other is what I was going to interject.</p> <p>13 MR. WILLIAMS: Other than the receipt,</p> <p>14 Mr. Keogh, are there any documents that you've</p> <p>15 brought with you today with respect to this</p> <p>16 deposition for Mr. Thomas?</p> <p>17 MR. KEOGH: You're asking me a question?</p> <p>18 MR. WILLIAMS: Yeah, just to see.</p> <p>19 MR. KEOGH: No, I don't have any</p> <p>20 documents.</p> <p>21 MR. WILLIAMS: Fine. Thanks.</p> <p>22 BY MR. WILLIAMS:</p> <p>23 Q. Mr. Thomas, you're the plaintiff in this</p> <p>24 lawsuit, the guy who is bringing the complaint.</p>

4/15/2008

MARK EDWARD THOMAS

29

1 Q. Your complaint was filed earlier this  
2 year, Mr. Thomas. As I recall, it was February but  
3 I could be mistaken.  
4 A. **Time flies too fast for me to remember.**  
5 Q. Okay. How did you come to see Mr. Keogh  
6 and his firm professionally for the purpose of this  
7 case? What led you to him?  
8 A. **In conversation with my cousin.**  
9 Q. Did you consult any other lawyers?  
10 A. **No.**  
11 Q. And before today in connection with this  
12 lawsuit, you dealt with Mr. Keogh on the telephone?  
13 A. **Yes, and e-mail.**  
14 Q. I've asked the reporter to mark as  
15 Exhibit 1 a copy of the complaint in this action.  
16 Would you take a look at it, sir.  
17 Do you recognize it as the complaint in  
18 this lawsuit?  
19 A. **Yes, I do.**  
20 Q. Have you read the complaint?  
21 A. **Yes.**  
22 Q. Did you read the complaint before it was  
23 filed?  
24 A. **I may have. I believe I did. It was one**

30

1 **of the e-mails that I received and read.**  
2 Q. Did you see it in draft form before it  
3 was filed?  
4 A. **Yeah, I'm sure I saw it in draft form.**  
5 Q. Did you make any changes to it?  
6 A. **No, I did not.**  
7 Q. Other than today, how many visits have  
8 you made to the Keogh Burke law offices?  
9 A. **None.**  
10 Q. Did Mr. Keogh or Mr. Burke come to visit  
11 you?  
12 A. **No.**  
13 Q. Have you received any compensation from  
14 Mr. Keogh, Mr. Burke or their law firm?  
15 A. **No.**  
16 Q. Do you expect to?  
17 A. **No.**  
18 Q. What are your goals with respect to this  
19 lawsuit?  
20 A. **Other than hopefully, you know, business**  
21 **and people, you know, following the things that**  
22 **continue to protect people's identity from being**  
23 **stolen and creating problems for the individuals.**  
24 Q. Anything else?

31

1 A. **No.**  
2 Q. I asked the reporter to mark as  
3 Exhibit No. 2 a receipt which you had before you,  
4 Mr. Thomas. Is that a receipt, copy of a receipt,  
5 for a credit card transaction that you made at a  
6 Ritz Camera Center store location?  
7 A. **Yes, it was.**  
8 MR. KEOGH: And if I could interject for  
9 one second, we previously produced this receipt and  
10 produce it again today with the understanding that  
11 it be kept confidential, that if anything is going  
12 to be attached to the court records, the expiration  
13 dates will be redacted. I believe Suzanne of your  
14 office agreed to it. Eventually I'm sure we'll get  
15 a protective order in place.  
16 MR. WILLIAMS: I hope so. The only  
17 information that you're receding confidentiality for  
18 on the receipt is the expiration date, correct?  
19 MR. KEOGH: That's correct.  
20 MR. WILLIAMS: Well, that's our  
21 agreement.  
22 BY MR. WILLIAMS:  
23 Q. Mr. Thomas, let's talk about this  
24 transaction and Ritz for a minute. Where did you

32

1 make a purchase from Ritz Camera?  
2 A. **Which location?**  
3 Q. Yes.  
4 A. **The Woodfield Shopping Center.**  
5 Q. And where is Woodfield Shopping Center?  
6 A. **Schaumburg, I believe, Hoffman Estates,**  
7 **Schaumburg.**  
8 Q. And at the time that you made that  
9 purchase, what's the date on that receipt?  
10 A. **December 20, 2006.**  
11 Q. December 20, 2006. Does that square with  
12 your recollection of when you made the purchase at  
13 the Woodfield Mall from Ritz?  
14 A. **Yes, it was just before Christmas.**  
15 Q. Is that a Ritz Camera location or some  
16 other brand name?  
17 A. **I believe it's Ritz Camera.**  
18 Q. Okay.  
19 A. **Some of the chains here are called Wolf,**  
20 **but I believe it was a Ritz Camera.**  
21 Q. And at that point in time, you were  
22 living on Brookbank Road in Darien?  
23 A. **Yeah, if not Lemont. I think I bought**  
24 **the house but I didn't move into the house right**

4/15/2008

MARK EDWARD THOMAS

33

1 away. I was in Lemont for a while, actually through  
2 the holidays because I did remodeling at the house  
3 on Brookbank before moving into it, from my  
4 recollection.

5 Q. How far distance is Lemont from Woodfield  
6 Mall in Schaumburg?

7 A. 25, 30 minutes, depending on traffic.

8 Q. How many miles would you say?

9 A. 15 maybe, 20.

10 Q. How far is Darien from Schaumburg?

11 A. Probably close to the same, maybe a  
12 couple miles less than that because it's from a  
13 little different direction.

14 Q. 12, 15?

15 A. 15.

16 Q. 15 miles?

17 A. Yep.

18 Q. So what took you to the Woodfield Mall on  
19 December 20?

20 A. Christmas shopping.

21 Q. Why that mall? Good news about Chicago  
22 is there's a slew of malls.

23 A. More selection, more stores in a shorter  
24 amount of time running around.

34

1 Q. So like me, you're not big on shopping if  
2 you can avoid it?

3 A. Yeah, especially around Christmas.

4 Q. Okay. Had you shopped at that Ritz  
5 location before?

6 A. I believe I've been in and out of it. I  
7 don't believe I bought anything at that specific  
8 location before.

9 Q. Have you bought anything there since?

10 A. Not at that location.

11 Q. The top line on that receipt, Exhibit 2,  
12 makes reference to a Fuji Finepix. Do you see that?

13 A. Yes, digital camera I purchased.

14 Q. It has the notation and handwriting  
15 returned?

16 A. I returned it to a Ritz in -- I believe  
17 it was Downers Grove for a different camera.

18 Q. So if I understand, you purchased the  
19 camera on this date, December 20, at the Ritz in  
20 Schaumburg?

21 A. Yes.

22 Q. And there came a later time when you  
23 returned that camera?

24 A. Correct.

35

1 Q. To a different Ritz store?

2 A. To my knowledge, yeah.

3 Q. And the store you returned it to was a  
4 Ritz location in Downers Grove?

5 A. Yeah, I believe so.

6 Q. Approximately when did you return that  
7 camera?

8 A. I don't remember specifically. It was  
9 around that time, shortly around that time.

10 Q. So within a month or two after you bought  
11 it?

12 A. Less than a month probably.

13 Q. Less than a month?

14 A. Yeah.

15 Q. And what caused you to return the Fuji  
16 camera?

17 A. I don't remember specifically whether it  
18 was an option or didn't work or whatever and got a  
19 different Fuji camera.

20 Q. So when you returned it -- when you  
21 returned the Fuji camera referred to on this receipt  
22 to the Ritz Camera store in Downers Grove, in  
23 exchange for that return you got another Fuji  
24 camera?

36

1 A. Correct.

2 Q. Same model, different model?

3 A. I don't recall. I don't have it anymore.

4 Q. You no longer have the Fuji camera you  
5 got and returned?

6 A. Correct.

7 Q. What happened to it?

8 A. I don't remember specifically. I have  
9 the box still. I ran across it not too long ago  
10 actually. I think one of my kids borrowed it and  
11 left it somewhere.

12 Q. You mentioned you have a daughter. How  
13 old is she now?

14 A. She'll be 21 in July.

15 Q. Congratulations. Do you have any other  
16 children?

17 A. A son, 16. That's it.

18 Q. Any other children?

19 A. No.

20 Q. You returned that camera to a Downers  
21 Grove location for Ritz. Have you shopped at the  
22 Downers Grove location before that time?

23 A. I don't believe so, afterwards buying  
24 film, returning film, maybe a frame or something



57

1 several years ago.

2 Q. Before your identity theft or after?

3 A. Oh, no, before. Again, part of what I  
4 do, part of my jobs in the dealerships kind of  
5 pertain to the Fair Credit Act to some extent and  
6 some of the safeguard and safekeeping or  
7 safeguarding, whatever that law is called, that as  
8 far as proper documentation, driver's license,  
9 things with Social Security numbers being shredded  
10 in the location and stuff like that. So I become  
11 abreast of those issues at that point in time from  
12 my job.

13 Q. What kind of documents do you shred at  
14 your home that are personal documents, not business?

15 A. Generally all the lousy credit card  
16 applications that you keep getting in the mail, like  
17 every single day you get one, those seem to be the  
18 main ones. Other than that, just generally if I'm  
19 going to be throwing out receipts, I shred those.  
20 But like I said, I generally save my receipts.

21 Q. For three years?

22 A. Generally, yes, although my daughter is  
23 starting to tell me dad, you don't need to keep all  
24 these papers, you got to throw some of them out.

58

1 Q. In the complaint on the same page,  
2 paragraph 20, it says you received a receipt from  
3 Ritz that is a 2255 West 95th Street store in  
4 Chicago. That statement is not correct?

5 A. Yes. I don't know where that -- I didn't  
6 recall seeing that there.

7 Q. But it is correct that you did not get a  
8 receipt from such a store?

9 A. No, I don't know of any such store,  
10 unless that -- well, I don't recall any of these  
11 stores. I mean, one of the purchases that they had  
12 found from that fraud case was at a 95th Street  
13 address, one occurrence, and then also in  
14 Bridgeview. Whether it's related or not, I don't  
15 know, now that I see that. But I don't even recall  
16 seeing that previous time that I read this as far as  
17 the 95th Street address in Chicago. But as I'm  
18 reading it now, I know there was one of those times  
19 where they caught the guy in Bridgeview, but it also  
20 pertained to some purchase on 95th Street in the  
21 city. If there is such a location, I don't know.

22 Q. You don't have a recollection of visiting  
23 a Ritz store yourself on 95th Street?

24 A. No, like I said, I don't even know if

59

1 there is a specific location there on 95th Street.

2 Q. And you wouldn't be surprised if I told  
3 you there isn't?

4 A. Not at all. Because I don't know if  
5 that's Chicago even, 2200 on 95th Street. I think  
6 it's closer to Evergreen Park.

7 Q. That was what I thought.

8 A. Only from my buddies on the Evergreen  
9 fire department, I know kind of the location there.

10 Q. That's where I was born.

11 MR. KEOGH: I think most people know  
12 Little Company of Mary. My grandma lived on 87th  
13 and California.

14 MR. WILLIAMS: Yes.

15 BY MR. WILLIAMS:

16 Q. Mr. Thomas, in this lawsuit, you complain  
17 about a federal statute called FACTA for short, Fair  
18 Accurate Credit Transactions Act, and it's an  
19 amendment to the Fair Credit Reporting Act that you  
20 just mentioned. When did you first become aware  
21 that there was a statute dealing with expiration  
22 date display on credit cards?

23 A. I think it was brought up actually and  
24 really didn't dawn on me effectively in February

60

1 when I was at the National Auto Dealers Convention  
2 in Las Vegas. And I say I don't recall that because  
3 when it was brought back up again this year at the  
4 NADA convention in San Francisco, they referred to  
5 last year talking about it, and I know I was in on  
6 that class.

7 Q. So you're referring to a class you  
8 participated in on the subject of FACTA at the  
9 National Auto Dealers Association annual convention  
10 in Las Vegas, February 2007?

11 A. Yes. I had to pause for the year, but  
12 yes, it was February '07 was Las Vegas and possibly  
13 even the year before, the first NADA I went to in  
14 Orlando, but I don't recall going to any fair credit  
15 reporting seminars at that point in time.

16 Q. And after the February '07 class on FACTA  
17 at the NADA convention in Las Vegas, when did you  
18 first think about how it applied to you personally?

19 A. Actually applied to me personally was  
20 just in conversation with my cousin.

21 Q. How did that --

22 A. For whatever reason it just never dawned  
23 on me, you know, even though I'm doing this for the  
24 dealership and made sure the stores that I was at at

<p style="text-align: right;">61</p> <p>1 the time were not violating the FACTA law.</p> <p>2 Q. When was the conversation with your</p> <p>3 cousin that you're just talking about?</p> <p>4 A. Within this year, maybe the end of last</p> <p>5 year but the first part of this year, around</p> <p>6 Christmas time I believe.</p> <p>7 Q. And this is Jeff Batterson?</p> <p>8 A. Yes.</p> <p>9 Q. And tell me about the conversation. Who</p> <p>10 else was in the conversation?</p> <p>11 A. Just him. He just basically stated that,</p> <p>12 you know.</p> <p>13 Q. What were you talking about?</p> <p>14 A. It reminded me of -- it reminded me of</p> <p>15 the FACTA from the dealership side, you know, but I</p> <p>16 never dawned on it from a personal standpoint of</p> <p>17 looking at the receipts and that.</p> <p>18 Q. Were you in a store with him and looking</p> <p>19 at a receipt?</p> <p>20 A. No, we were in a restaurant at dinner,</p> <p>21 something like that.</p> <p>22 Q. Okay.</p> <p>23 A. I believe from what I remember he was</p> <p>24 making -- he was picking up dinner and when he paid</p>	<p style="text-align: right;">63</p> <p>1 A. Yeah.</p> <p>2 Q. Was the expiration date shown or not</p> <p>3 shown on that tab?</p> <p>4 A. At that place I believe it was not shown,</p> <p>5 yeah.</p> <p>6 Q. Okay.</p> <p>7 A. And that's where he said, you know, hey,</p> <p>8 do you happen to check your receipts, you know, for</p> <p>9 the expiration date being on there. And I was like,</p> <p>10 what are you talking about actually. And then like</p> <p>11 I said, when he started talking about it, then it</p> <p>12 reminded me from, you know, the dealer application,</p> <p>13 which that's just one small sliver of the fair</p> <p>14 credit that affects a lot of the issues within my</p> <p>15 job. That it dawned on me and I started to be more</p> <p>16 conscious that any time I purchase, I make purchases</p> <p>17 and then also, you know, I happened to look back,</p> <p>18 randomly through my receipts. I didn't dig through</p> <p>19 every single one, but I went through mine to see,</p> <p>20 you know, if I had any at that time that, you know,</p> <p>21 had that situation which led me to, you know, ask</p> <p>22 him about it and learned of, you know, Keith at that</p> <p>23 point in time.</p> <p>24 Q. Why did you go back through your prior</p>
<p style="text-align: right;">62</p> <p>1 for it, he had made mention of the receipts. And he</p> <p>2 looks for that at that point because whatever,</p> <p>3 however, he learned of it prior to that to, you</p> <p>4 know, keep an eye on it.</p> <p>5 Q. What business is he in?</p> <p>6 A. Currently I believe he's like an</p> <p>7 investment banker.</p> <p>8 Q. And what was he before he was an</p> <p>9 investment banker?</p> <p>10 A. Well, I mean, he's just doing that as far</p> <p>11 as I know. He was in college before that. I can't</p> <p>12 remember specifically what he was doing. Over the</p> <p>13 years I have seen him, many times with the holidays</p> <p>14 as we grew up, we were second cousins and, you know,</p> <p>15 in the recent years, we hung out a little bit more</p> <p>16 often. So I don't -- other than going to college</p> <p>17 and I know he was down in -- he lived in the city</p> <p>18 for a while and went and saw him once or twice down</p> <p>19 there. But other than that, I can't specifically</p> <p>20 recall.</p> <p>21 Q. The two of you were in a restaurant early</p> <p>22 this year, he's picking up the tab, looking at the</p> <p>23 receipt and he makes a comment about the expiration</p> <p>24 date, correct?</p>	<p style="text-align: right;">64</p> <p>1 credit card receipts?</p> <p>2 A. Well, to see if I had any. Because</p> <p>3 again, after learning the hard way from identity</p> <p>4 theft, you know, I don't take that, you know,</p> <p>5 lightly. I take that pretty seriously, especially</p> <p>6 when it has inconvenienced me numerous times when I</p> <p>7 would, you know, make any future purchases at this</p> <p>8 point in time because I had to have the fraud alerts</p> <p>9 put on each of my credit bureaus. I've seen it in</p> <p>10 issues where other people have had their identity</p> <p>11 stolen that I've had to handle situations at</p> <p>12 dealerships for, and when it personally happened to</p> <p>13 me and I'm still to this day still feeling the</p> <p>14 effects of it because it is on there. So when you</p> <p>15 go to buy a car or you go to make a home purchase or</p> <p>16 whatever, they're questioning you like crazy whether</p> <p>17 you're the real person or not.</p> <p>18 Q. Partly because of the reference on your</p> <p>19 credit report that relates to the identity?</p> <p>20 A. Right. Which I didn't have on there</p> <p>21 prior to the identity theft, which even after it was</p> <p>22 put on, somebody still managed to steal my identity</p> <p>23 a second time after there was a fraud alert. So</p> <p>24 like I said, I don't take that lightly.</p>

<p style="text-align: right;">65</p> <p>1 <b>Q.</b> You said you went back through receipts</p> <p>2 randomly. Why didn't you go back through all your</p> <p>3 receipts?</p> <p>4 <b>A.</b> From what I had seen handy there, I have</p> <p>5 receipts in various places, I stumble across when I</p> <p>6 pull out a folder and realize this is for remodeling</p> <p>7 repairs that I did on the house, they're in a</p> <p>8 separate folder, you know. Then I keep general</p> <p>9 receipts on a regular basis. I started to come to a</p> <p>10 point where I keep them kind of in envelopes based</p> <p>11 on months in case I need to refer to something, but</p> <p>12 when I do specific projects, I try to keep track of</p> <p>13 what I spend on that. Obviously with my travels and</p> <p>14 different clients I do work for I will have those</p> <p>15 receipts filed by, you know, the work that</p> <p>16 accompanies that client's job so I can get a true</p> <p>17 and accurate track of the expense structure on that</p> <p>18 job versus the income I've taken. So that's what I</p> <p>19 mean by it's different locations. If I kept them</p> <p>20 all in an envelope by each month that obviously</p> <p>21 would have been easier. But I don't keep every</p> <p>22 single receipt in that filing system.</p> <p>23 <b>Q.</b> Did you keep the receipt that's Exhibit 2</p> <p>24 in a file with any of your business?</p>	<p style="text-align: right;">67</p> <p>1 <b>Q.</b> And did you find receipts from retailers</p> <p>2 other than Ritz that had an expiration date?</p> <p>3 <b>A.</b> Yeah, actually I even found one from in</p> <p>4 Colorado where this year they had the entire credit</p> <p>5 card number in addition to the expiration date for a</p> <p>6 restaurant in Colorado this year. Like I said, I'm</p> <p>7 conscious of that at this point.</p> <p>8 <b>Q.</b> The receipt is from 2008?</p> <p>9 <b>A.</b> I'm sorry. 2007, I believe. The last 12</p> <p>10 months is what I meant when I said last year or this</p> <p>11 current year.</p> <p>12 <b>Q.</b> All right. So you found the Ritz receipt</p> <p>13 from December 2006. What did you do with it?</p> <p>14 <b>A.</b> Out of the receipts that I had found, you</p> <p>15 know, in a brief recap, I had forwarded, you know,</p> <p>16 copies of the receipts to the attorney's office and</p> <p>17 had them review the receipts that I had questioned</p> <p>18 as far as being possible violations of the FACTA</p> <p>19 law, both in state and out of state. Again, I</p> <p>20 travel so there's numerous I have from other states</p> <p>21 also.</p> <p>22 <b>Q.</b> How many receipts did you send to</p> <p>23 Mr. Keogh's office?</p> <p>24 <b>A.</b> I would guesstimate around 15 or 20 that</p>
<p style="text-align: right;">66</p> <p>1 <b>A.</b> No, that would have been -- that was in</p> <p>2 one of those monthly files.</p> <p>3 <b>Q.</b> Did you go through your monthly files for</p> <p>4 personal receipts?</p> <p>5 <b>A.</b> No, the monthly is what I primarily</p> <p>6 looked at.</p> <p>7 <b>Q.</b> And did you go through all of your</p> <p>8 monthlies?</p> <p>9 <b>A.</b> What I had on my -- my regular monthly</p> <p>10 stuff I have there.</p> <p>11 <b>Q.</b> So when you used the word randomly a few</p> <p>12 minutes ago, you actually went through all of your</p> <p>13 monthlies that you have retained?</p> <p>14 <b>A.</b> I randomly went through all of my</p> <p>15 receipts, but I specifically went through my monthly</p> <p>16 accumulation of receipts.</p> <p>17 <b>Q.</b> Personal rather than business?</p> <p>18 <b>A.</b> I have receipts in various locations</p> <p>19 based on, as I just explained, whether it's home</p> <p>20 repairs and home projects versus business projects</p> <p>21 that are in different locations as you're</p> <p>22 questioning me, those are locations that I have not</p> <p>23 reviewed receipts that maybe it may have other</p> <p>24 incidents on that.</p>	<p style="text-align: right;">68</p> <p>1 had the, you know, limited number of digits listed</p> <p>2 and the expiration date fully stated on the customer</p> <p>3 copy.</p> <p>4 <b>Q.</b> And did you send him any receipts that</p> <p>5 had more than five digits of the credit card number</p> <p>6 printed?</p> <p>7 <b>A.</b> Possibly six or so but that one that I,</p> <p>8 you know, recall recently was when I was reviewing</p> <p>9 my bills and my business files for the tax year of</p> <p>10 2007, that's where I had just saw that one for the</p> <p>11 purchase at the restaurant in Colorado that had the</p> <p>12 entire credit card number on the receipt.</p> <p>13 <b>Q.</b> Okay. Did you send Mr. Keogh any</p> <p>14 receipts other than Exhibit 2 from Ritz Camera</p> <p>15 Centers?</p> <p>16 <b>A.</b> I don't believe so.</p> <p>17 <b>Q.</b> In your jobs as controller or other</p> <p>18 similar positions with auto dealerships, what have</p> <p>19 you done to assist the dealerships in compliance</p> <p>20 with FACTA?</p> <p>21 <b>A.</b> Well, some policies and procedures,</p> <p>22 again, the truncation is only a sliver of the issues</p> <p>23 for the dealership, and I focus more in on driver's</p> <p>24 license and Social Security numbers and credit aps,</p>